

FILED

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

2019 SEP -3 PM 2: 50

U.S. BANKRUPTCY COURT
NORTHERN DIST. OF OHIO
CLEVELAND

IN RE:

RICHARD MCKAY OSBORNE, JR.

CASE NO: 17-14920 aih

DANIEL M. MCDERMOTT
UNITED STATES TRUSTEE

CHAPTER 7

Plaintiff

ADVERSARY PROCEEDING NO.
18-01124 aih

Vs

RICHARD MCKAY OSBORNE, JR.
&
TRICIA A. OSBORNE

Defendants

DEBTOR'S MOTION FOR SUMMARY JUDGMENT

Now come Debtors, Richard M. Osborne, Jr and Tricia Osborne, by and through undersigned counsel and requests that this Court grant Summary Judgment in favor of Debtors in

The debtors' motion for summary judgment is denied. When construing the evidence in a light most favorable to the U.S. Trustee, a genuine dispute of material fact exists as to the U.S. Trustee's claim for relief. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 245 (1986) (trial court may deny summary judgment in a case "where there is reason to believe that the better course would be to proceed to a full trial"); see also *Buckeye Retirement Co., LLC, LTD. v. Swegan (In re Swegan)*, 383 B.R. 646, 655 (B.A.P. 6th Cir. 2008) ("Courts must be cautious in determining issues that involve a person's state of mind when deciding a case at the summary judgment stage."). The October 15, 2019, trial date and related deadlines remain in effect.

